

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

_____)	
UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Civil Action No. _____
)	
v.)	
)	
TELEDYNE TECHNOLOGIES)	
INCORPORATED,)	
)	
Defendant.)	
_____)	

COMPLAINT

The United States of America, by the authority of the Attorney General of the United States and through the undersigned attorneys, acting at the request of the Secretary of the United States Navy ("Navy"), files this complaint and alleges as follows:

NATURE OF THE ACTION

1. This is a civil action brought by the United States pursuant to Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9607, against Teledyne Technologies Incorporated ("Teledyne") for recovery of response costs incurred by the United States in connection with actual and threatened releases of hazardous substances at and from the former Naval Weapons Industrial Reserve Plant - Toledo, a military industrial facility located in Toledo, Ohio that was owned by the United States and was and continues to be operated by Teledyne ("NWIRP Toledo" or "Facility"). The United States also seeks a declaratory judgment, pursuant to Section 113(g)(2)

of CERCLA, 42 U.S.C. § 9613(g)(2), that Teledyne will be liable for response costs incurred by the United States in the future in connection with the Facility.

JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter of this action pursuant to Sections 107 and 113(b) of CERCLA, 42 U.S.C. §§ 9607 and 9613(b), and 28 U.S.C. §§ 1331 and 1345, and over Defendant.

3. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (c), and Section 113(b) of CERCLA, 42 U.S.C. § 9613(b), because the actual and threatened releases of hazardous substances at or from the Facility, giving rise to the claims in this action, occurred in this district.

PARTIES

4. Defendant Teledyne is incorporated under the laws of the State of Delaware and, since at least 1955, Teledyne, and its predecessors for whom Teledyne has assumed liability, have occupied and operated the Facility. Teledyne is a “person” within the meaning of Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

5. The Navy is authorized to respond to releases or threatened releases of hazardous substances, pollutants or contaminants on lands under Navy jurisdiction, as well as on lands to which such releases have migrated. Executive Order 12,580 (January 23, 1987), as amended (further delegated March 25, 1992 by Assistant Secretary of Defense) and 10 U.S.C. § 2701, *et seq.*

6. Authority to bring this action on behalf of the United States is vested in the Department of Justice pursuant to 28 U.S.C. §§ 516 and 519, and Executive Order 12,580 § 6

(January 23, 1987).

THE FACILITY

7. The Facility is located on approximately 29.9 acres of land in northern Toledo, Ohio, approximately one mile south of the Ohio/Michigan border. The Facility has been used since 1955 for various manufacturing and research operations, including the manufacturing and research of aircraft engines, missile engines, turbine engines and engine components.

Operations at the Facility involved, among other things, machining, cleaning, anodizing, cutting/grinding, deburring, painting, plating, and other metal treatments that generated wastes containing hazardous substances, as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), including, but not limited to, trichloroethene ("TCE").

8. In 2002 the Navy completed an Environmental Baseline Survey that identified several potentially contaminated areas at the Facility, including areas under Building 1, primarily under the former Blade Line and Plating Shop.

9. Teledyne and its predecessors used Building 1 to conduct various manufacturing processes and operations including operations at the Blade Line and the Plating Shop. The manufacturing operations in Building 1 generated a variety of waste fluids including waste cooling/cutting oils, chlorinated organic solvents, paint wastes, degreasers, acids, and nickel and chromate plating fluids.

10. Sampling showed that the soil and groundwater at the former Blade Line and Plating Shop contained hazardous substances, within the meaning of Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), including TCE.

11. The United States has undertaken various response actions, within the meaning of

Section 101(25) of CERCLA, 42 U.S.C. § 9601(25), in connection with the Facility, including a Preliminary Assessment, an Environmental Baseline Survey, a Facility-wide Remedial Investigation and Feasibility Study, and the excavation and removal of contaminated soil under Building 1.

12. The United States has incurred approximately \$1.67 million in unreimbursed response costs at the Facility, excluding prejudgment interest. Additional response costs continue to be incurred and are expected to be incurred by the United States.

13. The Navy transferred the Facility to the Toledo-Lucas County Port Authority ("Port") in May 2003. The Navy retained the obligation to remediate the property. Teledyne continues to operate the Facility under a lease from the Port.

GENERAL ALLEGATIONS

14. The NWIRP Toledo is a "facility" within the meaning of Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

15. Hazardous substances, within the meaning of 101(14) of CERCLA, 42 U.S.C. 9601(14), were released at or from the Facility.

16. As a result of operations at the Facility by Teledyne and its predecessors, there were and are actual and threatened releases, within the meaning of Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), of hazardous substances into the environment at or from the Facility.

17. The United States has incurred response costs, within the meaning of Sections 101(25) and 107(a) of CERCLA, 42 U.S.C. §§ 9601(25) and 9607(a), for response actions taken to address the actual and threatened releases of hazardous substances at or from the Facility.

18. The response costs referred to in the preceding paragraph were incurred in a

manner not inconsistent with the National Contingency Plan ("NCP"), 40 C.F.R. Part 300.

CLAIM FOR RELIEF

19. Paragraphs 1 through 18 are realleged and incorporated herein by reference.

20. Teledyne is liable for response costs incurred by the United States in connection with the Facility, pursuant to Section 107(a)(1) of CERCLA, 42 U.S.C. §9607(a)(1), as an operator of the Facility. In addition, Teledyne is liable for such costs, pursuant to Section 107(a)(2) of CERCLA, 42 U.S.C. §9607(a)(2), as a person who was an operator of the Facility at the time of disposal (within the meaning of Section 101(20) of CERCLA, 42 U.S.C. § 9601(20)) of any hazardous substance at the Facility.

21. Pursuant to Sections 107(a)(1)(A) and (a)(2)(A) of CERCLA, 42 U.S.C. §§ 9607(a)(1)(A) and (a)(2)(A), Teledyne is liable for "all costs of removal or remedial action incurred by the United States . . . not inconsistent with the national contingency plan." Such costs include response costs incurred by the United States for response actions undertaken in response to releases or threatened releases of hazardous substances at or from the Facility, related oversight costs, and related indirect, administrative, investigative, and enforcement costs.

22. Pursuant to Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2), Defendant is liable for "declaratory judgment on liability for response costs . . . that will be binding on any subsequent action or actions to recover further response costs."

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, the United States of America, respectfully prays that this Court:

1. Enter judgment in favor of the United States and against Teledyne for response costs incurred by the United States in connection with the Facility, plus interest;

2. Enter a declaratory judgment that Teledyne is liable for future response costs incurred by the United States in connection with the Facility; and
3. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

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